

## **TECHNICAL SUMMARY AND EXECUTIVE DIRECTOR'S PRELIMINARY DECISION**

### **Description of Application**

**Applicant:** Waste Control Specialists LLC (WCS)  
Radioactive Material License (RML) No.: R04100  
Customer Number: CN600616890  
Regulated Entity Number: RN101702439

**Action:** Proposed Minor Amendment #34 of RML No. R04100 for low-level radioactive waste (LLRW) disposal and storage and processing of radioactive waste.

**Location:** WCS is located at 9998 State Highway 176 West, Andrews, Andrews County, Texas 79714, near the Texas-New Mexico state line.

**General:** WCS currently holds a radioactive material license (RML No. R04100) for a LLRW land disposal facility and for a radioactive waste storage and processing facility.

**Request:** WCS submitted a minor amendment application to the Texas Commission on Environmental Quality (TCEQ) on July 19, 2019, to authorize the use of two new modular concrete canister (MCC) designs and the removal of the requirement that rebar used for MCCs and concrete barriers have an epoxy coating. WCS submitted modifications to this application dated October 9, 2019, to change the Waste Acceptance Criteria to clarify that the five day advance shipment notification is only for the Compact Waste Facility; dated October 25, 2019, to modify procedure EV-1.1.0, *Consolidated Radiological Environmental Monitoring Program*; dated January 15, 2020, to add two new financial assurance tiers and two new waste categories for the financial assurance calculations for the storage and processing facility; dated January 24, 2020, to modify the License Condition 192 exemption concentration limits in procedure RS-5.0.0, *Radiological Waste Process for the RCRA Landfill*; March 10, 2020, to remove the October 25, 2019, request to modify procedure EV-1.1.0; and dated March 26, 2020, to correct an error in the January 15, 2020, modification letter. WCS submitted additional information to support the amendment application for the MCC design and use of uncoated rebar in letters dated October 24, 2019, and January 29, 2020, and email dated February 28, 2020; for modifying procedure EV-1.1.0 in a letter dated January 31, 2020; and for the modification of the exemption concentration limits in procedure RS-5.0.0 in letters dated May 22, 2019, October 25, 2019, and January 19, 2019; and proposed revisions of procedure RS-5.0.0 received by email on May 22, 2019, and October 25, 2019.

**Authority:** A TCEQ radioactive material license for the receipt and disposal of LLRW and for the storage and processing of radioactive waste is required by Chapter 401 of the Texas Health and Safety Code. An amended license has been prepared in accordance with the applicable requirements of Title 30, Texas Administrative Code (TAC) Chapters 281, 305 and 336.

### **Administrative Information**

At the time of this review, WCS did not have any delinquent fees.

The regulated entity, WCS, has a compliance history classification of satisfactory, with a rating of 0.60.

The WCS site has a compliance history classification of satisfactory, with a rating of 0.60.

#### **Technical Information:**

This license amendment has been reviewed in accordance with applicable rules and statutes, including 30 TAC Chapter 336 (Radioactive Substance Rule) and Chapter 401 of the Texas Health and Safety Code. Review of the requests included an assessment of the radiological and non-radiological effects of the license changes on the public health and safety.

License Condition (LC) 96 was modified by initiative of the executive director to change the due date for the quarterly site receipt and disposal activities report from “calendar quarter” to “quarter”.

LC 159 was modified by initiative of the executive director to require that the report of site topography be up-to-date and include a discussion of any significant changes to the site topography since the previous report.

LC 187, financial assurance for the storage and processing facility, was modified to update all monetary values to 2018 dollars and to add text stating that the monetary values are in 2018 dollars. LC 187.A was modified to change “tier 2” to “tier 4” and to add two additional tiers between tier 1 and tier 4 (tier 2 at \$27,688,325 and tier 3 at \$33,388,325). LC 187.B and D were modified to add two new cost categories for Federal and Commercial Low Class A waste (\$10.05 per cubic foot) and Federal and Commercial Mixed Low Class A waste (\$88.96 per cubic foot).

LC 192.E was added to the license by initiative of the executive director to establish a total activity cap of radium-226 placed for disposal in cells E to J of the RCRA facility (under the exemption authorized by this license condition) of 1,764 Ci. This value is equal to a final average concentration of 10% of the Class A limit for low level radioactive waste in 30 TAC §336.362.

LC 207.A was modified to add three tie-down documents: 1) the application for minor amendment dated July 19, 2019 requesting authorization to use two new MCC designs and standard uncoated rebar in the reinforced concrete structures used for MCCs and concrete barriers, 2) letter dated October 24, 2019 with subject *Response to Request for Additional Information (RAI) regarding Modular Concrete Canisters Evaluation and Design and Epoxy-Coated Rebar Evaluation, in support of Minor Amendment Application*, and 3) letter dated January 29, 2020 with subject *Response to Request for Additional Information (RAI) regarding Modular Concrete Canisters Evaluation, in support of Minor Amendment Application*.

LC 207.B was modified to add two tie-down documents: 1) procedure RS-5.0.0, revision 9, *Radiological Waste Process for the RCRA Landfill* and 2) Letter dated October 25, 2019 with the subject *Responses to Request for Additional Information (RAI) regarding Radiological Impacts Assessment*.

Section 12.4 of the Waste Acceptance Criteria in Attachment C was modified to specify that the five-day advance notification for every waste shipment applies only to the Compact Waste Facility.

#### **Preliminary Decision and Recommendation**

The executive director has made a preliminary decision that the proposed license amendment, if issued, will meet all statutory and regulatory requirements.